

REMARKS

This is a response to the Office Action dated November 11, 2007. The Examiner has rejected claims 1-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0178047 ("Or"). No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

I. Interview Summary

The Applicants' attorney, Scott Timmerman, spoke by telephone with Examiner Lau to discuss the pending application on February 21, 2008. Agreement was reached with regard to independent claims 1, 11, and 25. Additional amendments were discussed regarding independent claims 24 and 26.

II. §102(e) Rejection

The Examiner has rejected claims 1-26 under 35 U.S.C. § 102(e) as being anticipated by Or. Or relates to an energy information system that compares past energy use with present energy use, recommend corrective action and connect consumers with product and service providers using an online marketplace. Or, Abstract, ¶22.

Or fails to disclose potential energy drivers or predetermined energy driver quantities in identifying an energy driver as in claims 1-26. In particular, there is no disclosure of comparing the quantity metadata contributing to the determined at least one relationship with a predetermined list of potential energy drivers or identification of at least one energy driver based on a potential list of energy drivers as claimed.

Or discloses that a "management system presents the problem spike, identifies possible causes of the spike, the equipment that could be affected by the spike, and recommends corrective action (such as a voltage regulator that can be purchased in the Product & Supplies Marketplace)." *Id.* at ¶31. However, this disclosure of identifying possible causes of the spike does not disclose the identification of energy drivers as claimed. In particular, the identification of a cause of the spike in the Or system does not consider a predetermined or potential list of energy drivers as claimed.

In addition, Or discloses determining excessive energy usage based on the comparison of historical energy usage to current energy usage and reports a recommended corrective action for the excessive energy usage. *Id.* at ¶7. Energy usage data analysis and weather data may be used as energy usage considerations. However, the analysis of historical and present energy usage data is not a list of potential or predetermined energy drivers as claimed.

Figure 6 in Or illustrates that usage and demand are compared and normalized for weather and other relevant information. *Id.* at Fig. 6. Further, energy usage in Or may be adjusted for weather. *Id.* Although, weather may be an energy driver, there is no disclosure of an identification of weather as an unknown energy driver as claimed. In addition, there is no disclosure of weather or energy drivers being identified based on a list of potential energy drivers or based on quantity metadata contributing to a relationship with energy usage data as in claims 1-26.

Or also fails to disclose calculating a cost from the identified at least one energy driver; and controlling the identified at least one energy driver to reduce the cost of energy usage from the identified at least one energy driver as in claims 1-10 and 24-26. As discussed above, Or fails to disclose identification of an unknown energy driver, or a list of potential or predetermined energy drivers. In addition, Or fails to disclose that a cost associated with the identified energy driver may be used. Or illustrates an analysis of historical and present energy usage analysis, but not an identification of energy drivers and associated costs. *Id.* at ¶29, Fig. 10. In one example in Or, the energy usage analysis includes a cost savings. *Id.* at Fig. 8. Or also includes recommendations for improved energy usage (different light bulbs) that includes a cost display. *Id.* at Fig. 11. However, the suggestion of cost savings based on energy usage is not a disclosure of cost associated with an identified energy driver. Figures 8 and 11 do not disclose a cost associated with an identified energy driver. Likewise, Or fails to disclose “a rate engine coupled with the output module and operative to calculate a cost of energy usage based on the identified at least one energy driver and further operative to reduce the cost of energy usage” as in independent claim 11.

Accordingly, the Applicants submit that claims 1-26 are in condition for allowance. Dependent claims 2-10, and 12-23 should be allowed for the reasons set out above for the independent claims.

III. CONCLUSION

The rejections in the Office Action dated November 11, 2007 have been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned to expedite the prosecution of this application.

Respectfully submitted,

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Date

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